

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 12, 1997

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Aranda, J. (Assigned), and
Valorie Gray, Deputy Clerk.

Each of the following:

B104678 Miller v. City Of Los Angeles
B106939 People v. Collins
B108703 People v. Southward
B105284 People v. Stewart
B109023 People v. Trammel
B109028 People v. Lara
B109760 People v. Padilla
B101787 People v. Higgins
B109381 People v. Ngo
B108712 People v. Lewis
B109347 People v. Javier U.
B105610 People v. Lee
B106576 People v. Andres
B115751 Jonathan M. v. S.C.L.A.
B107246 People v. You
B110430 People v. Lafayette
B109824 People v. Barber
B110373 Perez v. O'Brien
B108563 People v. Chavez
B109638 People v. Lamarche
B108663 People v. Canela
B107092 People v. Ozaeta
B112759 People v. Miguel S.
B108975 People v. Justin B.
B105467 People v. Beltran

Argument waived, cause submitted.

DIVISION THREE (Continued)

B115711 Jorge M., et al.
 v.
 S.C.L.A.

Merits:

Argued by Marilyn Sipes and Randall Pacheco for petitioners and by Holly Bryan Powell, deputy county counsel for real party in interest. Cause submitted.

B115823 Richard S., et al.
 v.
 S.C.L.A.

Merits:

Argued by Laura H. petitioner in propria persona. No appearance for real party in interest. Cause submitted.

B099301 People
 v.
 Hernandez

Merits:

Argued by Geoffrey R. Pope for appellant and by Rama R. Maline, deputy attorney general for respondent. Cause submitted.

B102824 Blue Cross of California
 v.
 W.C.A.B.

Merits:

Argued by Keith N. Pusavat for petitioner and by Thomas J. McBirnie and Richard Goldman for respondents. Cause submitted.

DIVISION THREE (Continued)

B106554 People
 v.
 Rodriguez

Merits:

Argued by Gerson Simon for appellant and by Michael J. Egan, deputy attorney general for respondent. Cause submitted.

B105853 City of Beverly Hills
 v.
 Beverly Rodeo Development Corp.

Merits:

Argued by Robert S. Gerstein for appellant and by T. Peter Pierce for respondent. Cause submitted.

B109753 Hughes Aircraft Company
 v.
 County of Los Angeles

Merits:

Argued by Robert D. Crockett for appellant and by Albert Ramseyer, deputy county counsel for respondent. Cause submitted.

Court recessed at 12:00 noon.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Aranda, J. (Assigned), and Valorie Gray, Deputy Clerk.

B104707 People
 v.
 Lawson

Merits:

Argued by Jerald W. Newton for appellant and by Chung L. Mar, deputy attorney general for respondent. Cause submitted.

DIVISION THREE (Continued)

B100828 Caton
 v.
 St. Mary's Medical Center

Merits:
Argued by Norman L. Schafler for appellant and by Carolyn Oill for respondent. Cause submitted.

B110001 Benach
 v.
 County of Los Angeles

Merits:
Argued by Russell Shields for appellant and by Sheila S. Kato, deputy county counsel for respondent. Cause submitted.

B106671 People
 v.
 Rosser

Merits:
Argued by Russell S. Babcock for appellant and by Peggie Bradford, deputy attorney general for respondent. Cause submitted.

B108015 Marukin Corporation
 v.
 County of Los Angeles

Merits:
Argued by Albert Ramseyer, deputy county counsel for appellant and by Kevin M. Fong for respondent. Cause submitted.

DIVISION THREE (Continued)

B095715 Continental Insurance Company, et al.

V.

Armani Bakery, Inc.

Merits:

Argued by Sassoon Sales for appellant and by J. Thomas Gilbert and Thomas J. Yoo for respondents. Cause submitted.

B106307 Cheng

V.

Glendale Federal Savings & Loan, et al.

Merits:

Argued by John C. Ferry for appellant and by Joel Dwork and Kenneth J. Sperandio for respondents. Cause submitted.

B098684 Kennedy

B106520 v.

Wilshire Oncology Medical Group

Merits:

Argued by David M. Axelrad for appellant and by Robert D. Crockett for respondent. Cause submitted.

Court adjourned at 5:10 P.M.

DIVISION FOUR

B105263 People

(Not for Publication)

V.

Merrick

The Court:

For the foregoing reasons, the judgment is modified to reflect 181 days of presentence custody credits. As modified the judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Baron, J.

November 12, 1997-Continued

DIVISION FIVE

[illegible]

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Jackson, J. (Assigned)

B099490 Paragon Podiatry Laboratories (Not for Publication)
v.
Fulwider, Patton, Lee and Utecht et al.

Affirmed. Respondent to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Jackson, J. (Assigned)

B113885 Bank of America (Not for Publication)
v.
Superior Court, Los Angeles County
(Betsy Irving, r.p.i.)

Let a peremptory writ of mandate issue directing respondent court to vacate its order of July 17, 1997, denying the motion of defendant Bank of America for summary judgment, and enter a new and different order granting the Bank's motion for summary judgment. Costs of this proceeding are awarded to the Bank.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B108456 Van Den Brink
 v.
 City of Solvang

Argument waived, cause submitted.

B110085 W.J. Medical Instruments
 v.
 Currie Precision Tool

Merits:

Argued by Wendy C. Lascher for respondent. Argument waived by Rick A. Schroeder for appellant. Cause submitted.

B111333 Reese
 v.
 Yoo

Merits:

Argued by William A. Soroky for appellant and by Allen S. Moss for respondent. Cause submitted.

B111523 Mele
 v.
 Macaluso

Merits:

Argued by Donald M. Adams for appellant and by Sara E. Rostand for respondent. Cause submitted.

Coffee, J. leaves the bench.

DIVISION SIX (Continued)

B111407 Reesha
 v.
 Vista Del Monte Homeowners

Merits:
Argued by Rene Tovar for appellant and by Holly R. Paul for respondent.
Cause submitted.

B109611 Gallagher
 v.
 California Youth Authority

Merits:
Argued by Rudy E. Jansen for appellant and by Michael P. Cayaban for
respondent. Cause submitted.

Court recessed at 10:00 A.M.

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Coffee, J., and G. Bents, Deputy Clerk.

B111316 PSSA
 v.
 Patsy M.

Argument waived; cause submitted.

B106748 Smith Trust
 v.
 Nicholson

Merits:
Argued by Richard C. Gilman for appellant and by William E. Patterson for
respondent. Cause submitted.

DIVISION SIX (Continued)

B109648 National Union Fire
 v.
 Marino

Merits:

Argued by Herbert P. Kunowski for appellant and by James E. Marino,
respondent appearing in propria persona. Cause submitted.

Court recessed at 2:00 P.M.

Court convened at 3:15 P.M.

Present: Stone, P.J., Gilbert, J., Coffee, J., and G. Bents, Deputy Clerk.

B111102 People
 v.
 Benjamin E.

Merits:

Argued by Robin L. Unander for appellant and by Jeffrey B. Kahan,
Deputy Attorney General, for respondent. Cause submitted.

Court adjourned at 3:42 P.M.

DIVISION SEVEN

B109936 People
 v.
 Benavides

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B103419 People (Not for Publication)
v.
Ranger Insurance Company

The judgment is affirmed. Respondent to recover costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B103558 McCary (Not for Publication)
v.
Henderson

The judgment is affirmed. Costs on appeal are awarded to respondents.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.